

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Randall R. Roda
Anne M. Roda
Debtor(s)

Bankruptcy Case No.: 16-10665-TPA
Per October 25, 2016 Proceeding
Chapter: 13
Docket No.: 31 - 20
Concil. Conf.: January 24, 2017 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 10, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 24, 2017 at 11:00 AM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Internal Revenue Service (Claim No. 4); Quantum 3 Group (Claim No. 1) at 0% interest and Midfirst Bank (Claim No. 8) .
- ☒ H. Additional Terms: Additional Language for Item D: Consumer Portfolio (Claim No. 9)

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: October 25, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Randall R. Roda
 Anne M. Roda
 Debtors

Case No. 16-10665-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 2
 Total Noticed: 34

Date Rcvd: Oct 25, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 27, 2016.

db/jdb +Randall R. Roda, Anne M. Roda, PO Box 10593, Erie, PA 16514-0593
 14258632 +Aspen, PO Box 105555, Atlanta, GA 30348-5555
 14258633 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Cap One, PO Box 85520, Richmond, VA 23285)
 14258634 #+Cap One, PO Box 5253, Carol Stream, IL 60197-5253
 14280146 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14258635 +Citimortgage, 5280 Corporate Dr PO Box 9442- Dept 025, Gaithersburg, MD 20898-9442
 14258636 Cnac/Ohl05, 12195 Detroit Ave, Lakewood, OH 44107
 14310132 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
 PO Box 10390, Greenville, SC 29603-0390)
 14258639 +ECMC, PO Box 16408, Saint Paul, MN 55116-0408
 14258640 ECMC, P.O. Box 75906, Saint Paul, MN 55175
 14274528 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Company LLC, P. O. Box 62180,
 Colorado Springs, CO 80962)
 14258641 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
 14258642 +Ford Credit, PO Box Box 542000, Omaha, NE 68154-8000
 14258644 +Georgia Student Financ, 2082 E Exchange Pl, Tucker, GA 30084-5334
 14272284 +Midland Mortgage, 999 NW Grand Blvd, Oklahoma City, OK 73118-6051
 14272283 +Midland Mortgage, PO Box 26648, Oklahoma City, OK 73126-0648
 14258652 +Stephen H. Hutzelman, Esquire, Shapira, Hutzelman, Berlin,, Ely, Smith & Walsh,
 305 West Sixth Street, Erie, PA 16507-1244

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr E-mail/PDF: rmscedi@recoverycorp.com Oct 26 2016 01:54:59
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
 Miami, FL 33131-1605
 14272292 +E-mail/Text: bankruptcy@jdbyrider.com Oct 26 2016 01:50:50 CNAC, ATTN: BANKRUPTCY DEPT,
 12802 HAMILTON CROSSING BLVD., CARMEL, IN 46032-5424
 14258637 +E-mail/Text: bankruptcy@consumerportfolio.com Oct 26 2016 01:50:14
 Consumer Portfolio Services, P.O. Box 57071, Irvine, CA 92619-7071
 14258638 +E-mail/Text: creditonebknotifications@resurgent.com Oct 26 2016 01:49:17 Credit One Bank,
 Po Box 98875, Las Vegas, NV 89193-8875
 14258643 +E-mail/PDF: gecsed@recoverycorp.com Oct 26 2016 01:54:52 Gecrb/Select Comfort,
 Po Box 981439, El Paso, TX 79998-1439
 14272277 E-mail/Text: cio.bncmail@irs.gov Oct 26 2016 01:49:27 Internal Revenue Service,
 Insolvency Unit, POB 628, Pittsburgh, PA 15230
 14258645 E-mail/Text: JCAP_BNC_Notices@jcap.com Oct 26 2016 01:50:17 Jefferson Capital Systems LLC,
 PO Box 7999, Saint Cloud, MN 56302-9617
 14258646 +E-mail/Text: ebnsterling@weltman.com Oct 26 2016 01:49:32 Kay Jewelers, 375 Ghent Rd,
 Fairlawn, OH 44333-4600
 14258647 E-mail/PDF: resurgentbknotifications@resurgent.com Oct 26 2016 01:54:35 LVNV Funding,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14310238 E-mail/Text: bkr@cardworks.com Oct 26 2016 01:49:08 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14258648 +E-mail/Text: bkr@cardworks.com Oct 26 2016 01:49:08 Merrick Bank, Po Box 9201,
 Old Bethpage, NY 11804-9001
 14258649 +E-mail/Text: bankruptcydepartment@tsico.com Oct 26 2016 01:50:44 Nco Fin/09,
 507 Prudential Rd, Horsham, PA 19044-2308
 14258650 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 26 2016 02:30:32
 Portfolio Recovery, Po Box 41067, Norfolk, VA 23541
 14258651 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 26 2016 02:30:58
 Pra Receivables Management, LLC, As Agent of Portfolio Recovery Assocs., P.O. Box 41067,
 Norfolk, VA 23541-1067
 14272288 E-mail/Text: bnc-quantum@quantum3group.com Oct 26 2016 01:49:39 Quantum3 Group LLC,
 P.O. Box 788, Kirkland, WA 98083-0788
 14266140 E-mail/Text: bnc-quantum@quantum3group.com Oct 26 2016 01:49:39
 Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788,
 Kirkland, WA 98083-0788
 14263547 E-mail/PDF: rmscedi@recoverycorp.com Oct 26 2016 01:54:33
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605

TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
 MIDFIRST BANK

cr

District/off: 0315-1

User: vson
Form ID: 149

Page 2 of 2
Total Noticed: 34

Date Rcvd: Oct 25, 2016

14272263* +Aspen, Po Box 105555, Atlanta, GA 30348-5555
14272264* ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
(address filed with court: Cap One, Po Box 85520, Richmond, VA 23285)
14303785* +CONSUMER PORTFOLIO SERVICES, INC., P.O. BOX 57071, IRVINE, CA 92619-7071
14272265* +Cap One, Po Box 5253, Carol Stream, IL 60197-5253
14272266* +Citimortgage, 5280 Corporate Dr Po Box 9442- Dept 025, Gaithersburg, MD 20898-9442
14272267* Chac/Ohl05, 12195 Detroit Ave, Lakewood, OH 44107
14272268* +Consumer Portfolio Services, P.O. Box 57071, Irvine, CA 92619-7071
14272269* +Credit One Bank, Po Box 98875, Las Vegas, NV 89193-8875
14258653* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Webbank/Dfs, 1 Dell Way, Round Rock, TX 78682)
14272290* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Webbank/Dfs, 1 Dell Way, Round Rock, TX 78682)
14272270* +ECMC, PO Box 16408, Saint Paul, MN 55116-0408
14272271* +ECMC, P.O. Box 75906, Saint Paul, MN 55175
14272272* +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
14272273* +Ford Credit, Po Box Box 542000, Omaha, NE 68154-8000
14272274* +Gecrb/Select Comfort, Po Box 981439, El Paso, TX 79998-1439
14272275* +Georgia Student Financ, 2082 E Exchange Pl, Tucker, GA 30084-5334
14272276* +Internal Revenue Service, Insolvency Unit, POB 7346, Philadelphia, PA 19101-7346
14272278* +Internal Revenue Service, William S. Moorehead Federal Building, 1000 Liberty Avenue,
Room 727, Pittsburgh, PA 15222-4107
14272279* ++JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999
(address filed with court: Jefferson Capital Systems LLC, PO Box 7999,
Saint Cloud, MN 56302-9617)
14272280* +Kay Jewelers, 375 Ghent Rd, Fairlawn, OH 44333-4600
14272281* +LVNV Funding, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14272282* +Merrick Bank, Po Box 9201, Old Bethpage, NY 11804-9001
14272285* +Nco Fin/09, 507 Prudential Rd, Horsham, PA 19044-2308
14272286* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery, Po Box 41067, Norfolk, VA 23541)
14272287* +Pra Receivables Management, LLC, As Agent of Portfolio Recovery Assocs., P.O. Box 41067,
Norfolk, VA 23541-1067
14272289* +Stephen H. Hutzelman, Esquire, Shapira, Hutzelman, Berlin,, Ely, Smith & Walsh,
305 West Sixth Street, Erie, PA 16507-1244

TOTALS: 1, * 26, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 27, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 25, 2016 at the address(es) listed below:

Joshua I. Goldman on behalf of Creditor MIDFIRST BANK bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Paul W. McElrath, Jr. on behalf of Joint Debtor Anne M. Roda ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Paul W. McElrath, Jr. on behalf of Debtor Randall R. Roda ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5